

REMARKS

In the August 20, 2002 Office Action, the Information Disclosure Statement was indicated as being improper, and all of the claims 1-13 were rejected in view of prior art.

Status of Claims and Amendments

In response, Applicant has amended independent claim 1 to clearly distinguish this claim from the prior art. Applicant has also amended claims 2 and 12 to place these claims in independent form. Moreover, claim 12 was amended to further clarify the handle element. Thus, claims 1-13 are pending, with claims 1, 2 and 12 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages that begin with the caption "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**" show the changes made to the claims by the current amendment.

Drawings

No objections were made to any of the drawings in this Office Action. However, Applicant has filed herewith a Request for Approval of Proposed Drawing Corrections and a modified Figure 5. Modified Figure 5 shows that the cable receiving bore is identified by numeral 42 and that the support member is identified by numeral 15. Applicant believes that the drawings now comply with 37 CFR §1.83(a). Applicant respectfully requests approval of the modified Figure 5.

Information Disclosure Statement

In paragraph 1 of the Office Action, the Office Action indicates that the listing of references in the specification is not a proper Information Disclosure Statement under 37 C.F.R. §1.98(b) and MPEP § 609(A)(1).

Applicant respectfully submits that U.S. Patent No. 5,701,786 (Kawakami), which is disclosed in the above-identified patent application, is *not* relevant to the claimed invention set forth in claims 1-13. Accordingly, Applicant has not filed an Information Disclosure Statement with this Amendment.

Rejections - 35 U.S.C. § 102

In paragraphs 2-3 of the Office Action, claims 1-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,067,875 (Ritchey et al.). In response, Applicant has amended independent claim 1 to clearly define the present invention over the prior art of record.

Independent claim 1, as now amended, recites a bicycle shift control device including an outer casing having **an outer surface** and an access opening; and a maintenance cover movably coupled to the outer casing between a closed position overlying the access opening and an open position exposing the access opening, in which **the maintenance cover is configured to move substantially parallel to the outer surface of the outer casing between the closed position and the open position**. Clearly, this structure is **not** disclosed or suggested by Ritchey et al. or any other prior art of record. As explained in more detail below, **none** of the prior art discloses or suggests the maintenance cover configured to **move substantially parallel** to the outer surface of the outer casing **between the closed position and the open position**, as claimed

While Figures 2a-3a and 7a-7c show a bicycle shifter having a housing portion 30 with an outer surface and a cable cover 86, Ritchey et al. shows that the cable cover 86 has one end that is attached to the housing portion 30 and one free end. The cable cover 86 merely **pivots about the attached end** to move the cable cover 86 between an open position (e.g., Figure 7B) and a closed position (e.g., Figure 7C). In other words, Ritchey et al. **fails** to show that the cable cover 86 is configured to move **substantially parallel to the outer surface** of the housing portion 30 **between the closed position and the open position** of the cable cover 86. As such, Ritchey et al. **fails** to disclose or suggest the maintenance cover, as set forth in independent claim 1. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 1, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent 9-11 and 13 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 9-11 and 13 are further allowable because they include additional limitations.

Independent claim 2, as now amended, recites a bicycle shift control device including an outer casing having an access opening; and a maintenance cover **movably coupled** to the outer casing between a closed position overlying the access opening and an open position exposing the access opening, in which the maintenance cover is **slidably coupled** to the outer casing **between the closed position and the open position**. Clearly, this structure is *not* disclosed or suggested by Ritchey et al. or any other prior art of record. As explained below in more detail, *none* of the prior art discloses or suggests the maintenance cover that is **slidably coupled** to the outer casing **between the closed position and the open position**.

Ritchey et al. shows a bicycle shifter including a cable cover 86 with a free end and a portion 88 that slides into a notch 90 in a housing portion 30 to attach the cable cover 86 to the housing portion 30. Ritchey et al. shows that after the cable cover 86 has been attached to the housing portion 30, the cable cover 86 merely **pivots** between an open position (e.g., Figure 7B) and a closed position (e.g., Figure 7C). In other words, the cable cover 86 is **pivotably coupled** to the housing portion 30 **between the open position and the closed position** of the cable cover 86. As such, Ritchey et al. *fails* to show that the cable cover 86 is **slidably coupled** to the housing portion 30 **between the closed position and the open position** of the cable cover 86. Thus, Ritchey et al. *fails* to disclose or suggest the maintenance cover, as set forth in independent claim 2. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 2, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent claims 3-8 are also allowable over the prior art of record in that they depend from independent claim 2, and therefore are allowable for the reasons stated above. Also, the dependent claims 3-8 are further allowable because they include additional limitations.

Independent claim 12, as now amended, recites a bicycle shift control device including a maintenance cover movably coupled to an outer casing between a closed position overlying an access opening and an open position exposing the access opening, in which the maintenance cover includes **a plurality of ribs that form a handle element** arranged to aid

in moving the maintenance cover between the closed position and the open position. Clearly, this structure is *not* disclosed or suggested by Ritchey et al. or any other prior art of record.

While Figures 2a-3a and 7a-7c of Ritchey et al. show a bicycle shifter having a housing portion 30 and a cable cover 86, Ritchey et al. *fails* to show that the cable cover 86 includes a **plurality of ribs that form a handle element**. As such, Ritchey et al. fails to disclose or suggest the maintenance cover, as set forth in independent claim 12. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 12, as now amended, is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

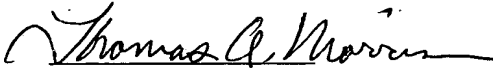
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-13 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


Thomas A. Morrison
Reg. No. 46,104

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 has been amended as follows:

1. (Amended) A bicycle shift control device comprising:
an outer casing having an outer surface, a cable receiving bore and an access opening;
a cable operated winding mechanism disposed in said outer casing, said cable
operated winding mechanism having a cable attachment point disposed relative to said access
opening to be accessible from said access opening; and
a maintenance cover movably coupled to said outer casing between a closed position
overlying said access opening and an open position exposing said access opening, said
maintenance cover being configured to move substantially parallel to said outer surface of
said outer casing between said closed position and said open position.

Claim 2 has been amended as follows:

2. (Amended) ~~The~~ A bicycle shift control device ~~according to claim 1, wherein~~
comprising:
an outer casing having a cable receiving bore and an access opening;
a cable operated winding mechanism disposed in said outer casing, said cable
operated winding mechanism having a cable attachment point disposed relative to said access
opening to be accessible from said access opening; and
a maintenance cover movably coupled to said outer casing between a closed position
overlying said access opening and an open position exposing said access opening, said
maintenance cover is being slideably coupled to said outer casing between said closed
position and said open position.

Please amend claim 12 as follows:

12. (Amended) ~~The~~ A bicycle shift control device ~~according to claim 1, wherein~~
comprising:
an outer casing having a cable receiving bore and an access opening;

a cable operated winding mechanism disposed in said outer casing, said cable operated winding mechanism having a cable attachment point disposed relative to said access opening to be accessible from said access opening; and

a maintenance cover movably coupled to said outer casing between a closed position overlying said access opening and an open position exposing said access opening, said maintenance cover includes including a plurality of ribs that form a handle element arranged to aid in moving said maintenance cover between said closed position and said open position.